

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN THE BANKRUPTCY MATTER OF:

Ira L. Fenton

Debtor

Chapter 13 No. 20-13999

Judge Timothy A. Barnes

NOTICE OF MOTION FOR RELIEF FROM AUTOMATIC STAY AND CO-DEBTOR STAY

To:

Ira L. Fenton
383 Ferne Drive
Wheeling, IL 60090

Marilyn O Marshall
224 South Michigan Ste 800
Chicago, IL 60604

David M Siegel
David M. Siegel & Associates
790 Chaddick Drive
Wheeling, IL 60090

Cynthia L. Fenton aka
Cynthia L. Krueger
1106 Cardinal Drive
Zion, IL 60099

PLEASE TAKE NOTICE that on August 13, 2020 at 1:30 p.m., I shall appear before the Honorable Timothy A. Barnes, or any judge sitting in that judge's place and present a Motion for Relief from Automatic Stay and Co-Debtor Automatic Stay, a copy of which is attached.

This motion will be presented and heard telephonically. No personal appearance in court is necessary or permitted. To appear and be heard telephonically on the motion, you must set up and use an account with Court Solutions, LLC. You can set up an account at www.CourtSolutions.com or by calling Court Solutions at (917) 746-7476.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

/s/ Matthew C. Abad

Matthew C. Abad

Kluever Law Group, LLC
225 W. Washington St., Suite 1550
Chicago, IL 60606
(312) 236-0077
File: SPSB.2924

PROOF OF SERVICE

I, the undersigned, an attorney, certify that I caused the Debtor and Co-Debtor to be served by regular mail at the address above, and David M Siegel and Marilyn O Marshall through the Court ECF system on or before 08/03/2020.

/s/ Matthew C. Abad

Matthew C. Abad ARDC# 6257858

Kluever Law Group, LLC
225 W. Washington St., Suite 1550
Chicago, IL 60606
(312) 236-0077
File: SPSB.2924

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN THE BANKRUPTCY MATTER OF:

Ira L. Fenton

Debtor

Chapter 13 No. 20-13999

Judge Timothy A. Barnes

MOTION FOR RELIEF FROM AUTOMATIC STAY AND CO-DEBTOR STAY

Towd Point Mortgage Trust 2015-3, U.S. Bank National Association as Indenture Trustee, (“Movant”) hereby moves this Court, pursuant to 11 U.S.C. §§362 and 1301, for relief from the automatic stay and co-debtor stay as to Cynthia L. Fenton aka Cynthia L. Krueger with respect to certain real property of the Debtor having an address of 1106 Cardinal Drive, Zion, IL 60099 (the “Property”). In further support of this Motion, Movant respectfully states:

1. Debtor filed a petition under Chapter 13 of the United States Bankruptcy Code on 7/16/2020.
2. Pursuant to Debtor’s Plan, Debtor is surrendering the Property.
3. The Debtor, Ira L. Fenton, and Co-Debtor, Cynthia L. Fenton aka Cynthia L. Krueger, executed a Disclosure Statement, Note and Security Agreement in the original principal amount of \$190,926.96 (the “Note”). A copy of the Note is attached.
4. Pursuant to the Mortgage (the “Mortgage”), all obligations (collectively, the “Obligations”) of the Debtor and Co-Debtor under the Note and the Mortgage are secured by the Property. A copy of the Mortgage and assignments, if any, are attached.
5. Towd Point Mortgage Trust 2015-3, U.S. Bank National Association as Indenture Trustee is an entity who has the right to foreclose the Mortgage.

6. Cynthia L. Fenton aka Cynthia L. Krueger as a co-owner of the Property and co-signor on the Note and Mortgage is a co-debtor pursuant to 11 U.S.C. §1301.

7. Select Portfolio Servicing, Inc. services the loan on the Property referenced in this Motion.

8. As of July 22, 2020, the outstanding amount of the Obligations is: \$165,027.96.

9. The estimated market value of the Property is \$164,000.00. The basis for such valuation is Debtor's Schedule D.

10. Upon information and belief, the aggregate amount of encumbrances on the Property listed in the Schedules or otherwise known, including but not limited to the encumbrances granted to Movant, is \$205,027.96. Therefore there is no equity in the Property.

11. Cause exists for relief from the automatic stay for the following reasons:

a) Pursuant to 11 U.S.C. § 362(d)(1), Movant's interest in the Property is not adequately protected.

b) Pursuant to 11 U.S.C. §362(d)(2) there is no equity in the property and it is not necessary for an effective re-organization.

12. Grounds exist for relief therefrom under 11 U.S.C §1301as Cynthia L. Fenton aka Cynthia L. Krueger::

a) Is a co-owner of the Property and received the consideration for the Note and Mortgage;

b) Movant's interest would be irreparably harmed by continuation of the Co-Debtor Stay.

WHEREFORE, Movant prays that this Court issue an Order terminating or modifying the stay and co-debtor stay and granting the following:

1. Relief from the stay and co-debtor stay allowing Movant (and any successors or assigns) to proceed under applicable non-bankruptcy law to enforce its remedies to foreclose upon and obtain possession of the Property.

2. That the 14-day stay described by Bankruptcy Rule 4001(a)(3) be waived.

3. For such other relief as the Court deems proper.

Towd Point Mortgage Trust 2015-3, U.S. Bank
National Association as Indenture Trustee

/s/ Matthew C. Abad

Matthew C. Abad ARDC# 6257858
Counsel for Movant

Date: 08/03/2020

Kluever Law Group, LLC
225 W. Washington St., Suite 1550
Chicago, IL 60606
(312) 236-0077
File: SPSB.2924